



Department initiated Amendment

Part V Division 3 of the *Environmental Protection Act 1986*

Licence Number	L8904/2015/1
Licence Holder	Cleanaway Solid Waste Pty Ltd
ACN	120 715 635
File Number	DER2015/001648-1
Premises	Banksia Road Putrescible Landfill Banksia Road CROOKED BROOK WA 6236 Legal description – Lot 2 on Deposited Plan 65861
Date of Report	05 October 2021
Proposed Decision	Revised licence granted

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an officer delegated under section 20 of the *Environmental Protection Act 1986* (WA)

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1. Decision summary

On 31 August 2021, the Minister for Environment made her determination of a third party appeal (Appeal number 30 of 2020) against a licence amendment on 12 May 2020, authorising the burial of waste within the newly constructed Cell 7. The construction and operation of Cell 7 was previously assessed under an amendment to the licence in April 2017. The appellant's key concerns were related to odour, dust and stormwater.

In making her determination the Minister determined to allow the appeal to the extent that the licence is amended to:

- Require odour from the premises does not unreasonably interfere with the health or wellbeing of persons not on the premises;
- Require highly odorous waste be immediately buried and covered; and
- Require the active tipping area be limited to an area no greater than 1,800 m², or two areas no greater than 1,800 m² each for periods of up to three months when transitioning between cells.

Changes have been made to align licence conditions with the Minister's recommendations. These are summarised in Table 1. As the amendment is given effect to an appeal decision, no further risk assessment to justify these changes is required/provided within this Decision Report.

2. Consultation

The Licence Holder was provided with the draft Decision Report on 10 September 2021. Comments received from the Licence Holder on 17 September 2021 have been considered by the Delegated Officer as detailed in Appendix 1.

3. Conclusion

Based on this Decision Report, the Delegated Officer has determined that an amended licence will be granted, subject to conditions commensurate with the determined controls and necessary for administration and reporting requirements.

3.1 Summary of amendments

Table 1 below provides a summary of the proposed amendments and will act as a record of implemented changes. All proposed changes have been incorporated into the Revised licence as part of the amendment process.

Table 1: Summary of licence amendments

Condition no.	Proposed amendments
Definitions	Definition of Highly Odorous Waste added
1.4.25	Condition added to the licence to ensure odour emissions from the premises does not unreasonably interfere with the health and amenity of persons not on the premises.
1.4.27	Condition added to the licence to ensure the active tipping area is limited to an area no greater than 1,800 m ² , or two areas no greater than 1,800 m ² each for periods of up to three months when

Condition no.	Proposed amendments
	transitioning between cells.
	Requirement added to Condition 1.4.3, Table 1.4.4 of the licence to ensure highly odorous wastes are buried immediately.
	Requirement added to Condition 1.4.7, Table 1.4.8 of the licence to specify immediate cover requirements for highly odorous wastes

Appendix 1: Summary of Licence Holder's comments on draft amendment

Condition	Summary of Licence Holder's comment	Department's response
Table 1.4.8	<p>The requirement to cover an odorous load with 300mm cover is impractical if this is to occur during normal operations. Having to stop and cover odorous loads with clean fill adds no additional protection as the waste will be buried immediately under putrescible waste resulting in the same outcome.</p> <p>The requirement to cover to a depth of 300mm of Type 1 Inert waste or Clean fill is no more beneficial than covering with 1m of general waste. On receipt of an odorous load at the end of the day, Cleanaway acknowledges that the 300mm cover would be warranted.</p> <p>In addition to the above, Condition 1.4.25 ensures that Cleanaway appropriately manages any odorous loads received at the site.</p> <p>Cleanaway recommends that the cover requirements of special waste type 1 and 2 be adopted being</p> <ul style="list-style-type: none"> • Immediately cover with either: <ul style="list-style-type: none"> (a) 300mm of Type 1 Inert waste or Clean fill; or (b) 1,000mm of solid waste 	<p>The Delegated Officer considers the applicants requests reasonable and acceptable in mitigating odour emissions from highly odorous waste acceptance and has updated the table accordingly. The Delegated officer considers that the changes remain consistent with the appeal decision.</p>
Condition 1.4.25	<p>This is the catch all requirement that ensures that it is in Cleanaway's interest to carry out an appropriate action on the receipt of an odorous load.</p>	Noted